



Docket No.: 245737US8

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/047,459
Applicants: Abe HIROYUKI, et al.
Filing Date: January 14, 2002
For: OPTICAL FILTER AND METHOD OF
MANUFACTURING THE SAME
Group Art Unit: 1762
Examiner: MARKHAM, W.

SIR:


Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of _____ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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DOCKET NO: 245737US8



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
ABE HIROYUKI, ET AL. : EXAMINER: MARKHAM, W.
SERIAL NO: 10/047,459 :
FILED: JANUARY 14, 2002 : GROUP ART UNIT: 1762
FOR: OPTICAL FILTER AND METHOD :
OF MANUFACTURING THE SAME :

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement stated in the Official Action dated June 10, 2004, Applicants in the above-identified patent application provisionally elect Group I, Claims 1-4, 6-16 and 18-20, drawn to a method of manufacturing an optical fiber.

The Restriction Requirement asserts that the application contains claims to distinct inventions. However, MPEP §803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be of an overlapping search area.

Serial No. 10/047,459

Response to Restriction Requirement dated June 10, 2004

Accordingly, Applicants respectfully **traverse** the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

However, if the present Restriction Requirement is not withdrawn, examination on the merits of the Claims of Group I is believed to be in order, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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(OSMMN 06/04)